

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DARRYL LEE CHERRY, pro se,)
Plaintiff,) CIVIL ACTION NO. 04-292-ERIE
v.) JUDGE MCLAUGHLIN
UNITED STATES OF AMERICA,) MAGISTRATE JUDGE BAXTER
et al.,)
Defendants.)

PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL


COMES NOW, the Plaintiff, Darryl Lee Cherry, pro se, and a federal prisoner who respectfully moves the Honorable Court in the above captioned cause for an order appointing counsel pursuant to 28 U.S.C. § 1915(e)(1). Because of Cherry's indigence and impoverish conditions, and the complexity of this case, appointment of counsel would be appropriate in this matter.

In support of this motion, Cherry has attached his Sworn Affidavit In Support, a copy of his prison commissary account balance, and his Memorandum of Law.

WHEREFORE, the Plaintiff respectfully prays that the Court will appoint counsel pursuant to 28 U.S.C. § 1915(e)(1). This motion is brought in good faith and for a just cause. 28 U.S.C. § 1746.

Respectfully submitted,

Dated: 1/5/06


DARRYL LEE CHERRY, pro se
Federal Register No. 07928-078
Federal Correctional Institution McKean
P.O. Box 8000
Bradford, Pennsylvania 16701

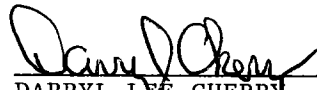
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WEST. DIST. OF PENNSYLVANIA

CERTIFICATE OF SERVICE

This is to certify that I have mailed a true and correct copy of this motion to Ms. Christy Wiegand, AUSA, Office of the United States Attorney, Western District of Pennsylvania, U.S. Courthouse and Post Office, 700 Grant Street, Suite 4000, Pittsburgh, Pennsylvania 15219, first class mail, postage prepaid on this 5th day of January, 2006. 28 U.S.C. § 1746.



DARRYL LEE CHERRY, pro se

January 5, 2006

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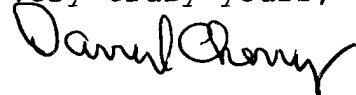
Re: Darryl Cherry v. United States Of America, et al.
Civil Action No. 04-292-ERIE

Dear Clerk,

Please find enclosed Plaintiff's Motion For Appointment Of Counsel And Memorandum Of Law In Support Of Motion for Appointment Of Counsel And Application To Proceed Without Prepayment Of Fees And Affidavit to be filed and brought to the attention of the Court in the above reference case. Should you have any questions concerning my documents, please do not hesitate to contact me at my address below.

I have enclosed a self-stamped addressed enveloped for you to return a filed/copy to me. Thank you in advance for your kindness and courtesy and I remain with warm regards.

Very truly yours,



DARRYL LEE CHERRY
Federal Register No. 07928-078
Federal Correctional Institution
McKean
P.O. Box 8000
Bradford, Pennsylvania 16701